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BEFORE THE OFFICE OF PUBLIC INSTRUCTION  
OF THE STATE OF MONTANA

In the matter of the proposed	)	NOTICE OF PUBLIC HEARING
amendment of ARM 10.41.101	)	ON THE PROPOSED AMENDMENT,
through 10.41.104, 10.41.106,	)	AMENDMENT AND TRANSFER AND
10.41.109, 10.41.111,	)	REPEAL OF RULES RELATING TO
10.41.115, 10.41.118,	)	VOCATIONAL EDUCATION
10.41.120, 10.41.124 through	)	
10.14.126, 10.41.130 and the	)	
amendment and transfer of ARM	)	
10.44.103, 10.44.104,	)	
10.44.106 and 10.44.211 and the	)	
repeal of 10.41.105, 10.41.107,	)	
10.41.108, 10.41.116,	)	
10.41.117, 10.41.119,	)	
10.41.127, 10.41.129,	)	
10.44.102 and 10.44.105	)	
pertaining to vocational	)	
education	)	

TO: All Concerned Persons

1. On October 17, 2001, at 4:00 p.m. a public hearing will be held in the University room at the Holiday Inn, 5 Baxter Lane, Bozeman, Montana, to consider the amendment, amendment and transfer and repeal of the above stated rules relating to vocational education.

2. The Office of Public Instruction will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Office of Public Instruction no later than 5:00 p.m. on October 2, 2001 to advise us of the nature of the accommodation that you need. Please contact Karla Beagles, P.O. Box 202501, Helena, MT 59620-2501, telephone: (406) 444-9019, TDD number: (406) 444-1812, FAX: (406) 444-1373.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.41.101 DEFINITIONS Terms used in reference to career and vocational/technical education are defined as follows:

(1) "Additional costs" are those costs which exceed the average costs of classroom courses and include the following:

(a) career and vocational/technical education teacher salaries for career experience supervision, career and vocational/technical work experiences (excluding student compensation), curriculum or program development and programs that extend beyond the school year;

(b) stipends to career and vocational/technical education teachers for supervision of career and technical student

organizations;

(c) instructional supplies and equipment including repair, maintenance or leasing used in an approved program; and

(d) instructional-related travel expenses for an approved program or career and technical student organization.

(2) "Approved secondary career and vocational/technical programs" are high school programs that meet K-12 career and vocational/technical education standards and guidelines authorized by 20-8-303, MCA, and receive approval by the superintendent of public instruction.

(3) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils attending the public schools of a district.

~~(1) Apprentice course. A course devoted to teaching vocational and related information to individuals pursuing a formal apprentice training program and registered with a recognized state or federal apprenticeship agency.~~

~~(2) Capital expenditure. Expenditures for the acquisition of fixed assets or additions to fixed assets (real and personal property). Real property expenditures for land, land improvements, buildings, building remodeling, building additions, building construction and personal property expenditures for machinery, equipment, furniture, fixtures, vehicles and tools which exceed \$300 in value.~~

~~(3) Consumer and homemaking education programs. Instructional programs, services, and activities at all educational levels for the occupations of homemaking including, but not limited to:~~

~~(a) consumer education;~~

~~(b) food nutrition;~~

~~(c) family living and parenthood education;~~

~~(d) child development and guidance;~~

~~(e) housing and home management (including resource management; and~~

~~(f) clothing and textiles.~~

(4) "Board of public education" means the board created by Article X, section 9, subsection (3) of the Montana Constitution and 2-15-1507, MCA.

(5) "Career and technical student organization" or "CTSO" means an organization of students in career and vocational/technical programs that serves members by providing opportunities for leadership, citizenship and skill development. Activities are an integral part of the program and are carried out at local, state and national levels in affiliation with the following organizations: FFA, family, career and community leaders of America (FCCLA), DECA, business professionals of America (BPA), SkillsUSA-VICA, and technology students association (TSA).

(6) "Career and vocational/technical education" means instruction that should include:

(a) classroom instruction;

(b) classroom related field and laboratory experience;

(c) work experiences, including cooperative work experience component; and

(d) activities of career and technical student organizations which are an integral part of program instruction.

(7) "Career and vocational/technical education course" means a semester of career and vocational/technical education study within an approved program where vocational/technical credit is given.

(8) "Career and vocational/technical education programs" means a planned sequence of secondary courses in the following program areas:

- (a) agriculture education;
- (b) business and marketing education;
- (c) family and consumer sciences education;
- (d) health occupations education; and
- (e) industrial technology education.

(9) "Career and vocational/technical instructor certification" means certification of instructors in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under ARM 10.44.103 [10.41.132] exceptions may be made by OPI for emerging career and vocational/technical programs where industry certification is required for a specific skill area, such as CISCO academies, and where such certification is an industry standard.

(10) "Career experience supervision" must include a minimum of five days of student-related instruction which relates to the program for which the enrollment report is generated and must be based on a contractual agreement between the school, teacher and district at the teacher's current rate of pay.

(11) "Career skills instruction" means instruction directly preparing students for employment and/or further education or training in a career cluster related to the field of study or profession.

(12) "Career title" means the common name by which a position is identified. The generally accepted source is the classification of instructional programs (CIP).

(13) "Funding distribution formula" means a formula determined by the superintendent of public instruction according to additional costs of career and vocational/technical education programs based on weighted factors. The funding formula shall be equally applied to each career and vocational/technical education program. The formula includes, but is not limited to:

(a) K-12 career and vocational/technical education enrollment;

(b) approved career and technical student organizations:

(i) approved chapters; and

(ii) number of members;

(c) career experience supervision of students beyond the school year for K-12 career and vocational/technical education; and

(d) district expenditures related to the K-12 career and vocational/technical education programs.

(14) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

(15) "K-12 career and vocational/technical education enrollment" is determined by the number of students reported on the enrollment form for an approved program in the same year that a state career and technical education application is submitted.

(16) "Local advisory committee" means a group of persons, the majority of whom are outside the education profession, who are representative of the community and are educated/trained/employed in careers related to the career and vocational/technical education programs.

(17) "Secondary career and vocational/technical education program" means a program of sequential courses for persons in high school (grades 9 through 12) which include:

(a) agriculture education;

(b) business and marketing education;

(c) industrial technology education;

(d) family and consumer sciences education;

(e) health occupations education; and

(f) trade and industrial education.

(18) "State director of K-12 career and vocational/technical education" means the person that is the state administrator of all elementary and secondary career and vocational/technical education programs under the state superintendent and that:

(a) administers the K-12 career and vocational/technical education policies adopted by the superintendent of public instruction;

(b) prepares curriculum guides for adoption by the superintendent of public instruction; and

(c) employs, with the confirmation of the superintendent of public instruction, professional staff consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education.

(19) "Superintendent of public instruction" means the state government official designated as a member of the executive branch by the Montana Constitution.

~~(4) Cooperative education. (20) "Work experience" means a~~  
~~A program component of career and vocational/technical education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational~~

instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program that provides students with on-the-job training or simulated experiences related to their career and vocational/technical education program. The time requirement for students in work experience must be equivalent to the time requirement for credit to be earned.

(5) Cooperative program student. A student with a minimum of one hour per week, in addition to regular classes, devoted to discussion of working problems, assignments of special projects, etc..

(6) Executive officer of vocational education. The superintendent of public instruction is the executive officer, the legally designated state official directly responsible for the development of policies for K-12 vocational education.

(7) Job Training Partnership Act (JTPA), P.L. 97-300. An act to establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment, who are in a special need of such training to obtain productive employment. Vocational services of an educational and training nature provided under JTPA within districts shall be approved by the executive officer (state superintendent) for K-12 vocational education.

(8) Local advisory committee. A group of persons, usually outside the education profession, selected for the purpose of offering advice and counsel regarding vocational education to the educational institution.

(9) Major equipment. Fixed or movable articles, particularly designed and essential for use in a vocation, or training for a vocation, which cost \$300 or more per unit. (Not applicable to construction projects.)

(10) Major occupational headings.

(a) Agriculture Education

(b) Consumer Home Economics Education

(c) Marketing Education

(d) Health Occupations Education

(e) Home Economics Wage Earning Education

(f) Industrial Arts/Technology Education

(g) Business and Office Education

(h) Trade and Industrial Education

(i) Under these occupational headings there are many specific occupational or vocational fields of training.

(11) Minor equipment. Those fixed or movable articles particularly designed for and essential to the performance of work in a vocation, or training for a vocation, which cost less than \$300 per unit. (Not applicable to construction costs.)

(12) Montana council on vocational education. An independent council which is appointed by the governor. The council

advises the superintendent of public instruction on long-range planning, on the development of a state plan and on policy matters arising from administration of the state plan. It also provides technical assistance to local advisory councils when requested, assists the superintendent in the development of state evaluation procedures, consults with other agencies to determine manpower needs of the state and monitor evaluations.

(13) Occupational skills. Instruction directly preparing persons for employment in a specific occupation or a cluster of closely-related occupations in an occupational field.

(14) Occupational title. The common name by which a position is identified. The generally accepted source of nomenclature is the classification of instructional programs (CIP).

(15) Secondary program. Vocational education for persons in high school (span of grades beginning with grade 9 and ending with grade 12).

(16) State director of vocational education. The state administrator of all elementary and secondary vocational programs under the state superintendent.

(17) Support service programs. Skill assessment, day care costs, employment counseling, job placement and follow-up services.

(18) Vocational counselor. A vocationally and professionally trained person assisting individuals to understand their capabilities and interests, to choose a suitable vocation, and employment. Five principle functions are: placement, follow-up, information, testing and counseling.

(19) Vocational education. Organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree; for purposes of this paragraph, the term "organized education program" means only:

(a) instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; and

(b) the acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment.

(20) Vocational education course. Vocational education subject matter and related learning experiences organized as part of a sequence of educational activities related to vocational preparation.

(21) Vocational education funds. All federal and state funds made available to the state for the purpose of providing vocational education or training in Montana, and local funds used for matching and/or maintenance of effort purposes as provided by law.

(22) Vocational education programs. A planned sequence of secondary courses leading to the development of skills and knowledge required for entry into a specific occupation developed and conducted in consultation with a local advisory committee. A program combines and coordinates related instruction of field, shop, laboratory, cooperative work or other

vocational experience which is of sufficient duration to develop competencies for employment.

(23) Vocational instruction. Instruction which is designed to prepare individuals for employment in a specific occupation or cluster of closely related occupations in an occupational field, and which is especially and particularly suited to the needs of those engaged in or preparing to engage in such occupation or occupations. Such instruction may include:

- (a) classroom instruction;
- (b) classroom related field, shop and laboratory work;
- (c) programs providing occupational work experiences, including cooperative education and related instructional aspects of apprenticeship programs; and
- (d) activities of vocational student organizations which are an integral part of the vocational instruction.

(24) Vocational objective. The occupational outcome of training and other preparation as stated by an individual student. It is usually stated in terms of a specific job title.

(25) Vocational policy. Superintendent of public instruction policies for vocational education are directional statements that set forth the general intent and purpose of the superintendent and provide the necessary direction for development of administrative guidelines and procedures.

(26) Vocational student organization. An organization of students in vocational programs which serves members by providing opportunities for leadership, citizenship and character development. The organization enhances the vocational instructional program by providing motivation for personal achievement and appreciation of life roles. Activities are an integral part of the program and are carried out at local, state and national levels in affiliation with such organizations as the national FFA organization, future homemakers of America, distributive education clubs of America, business professionals of America, vocational industrial clubs of America, and technology student association.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. ~~20-7-302~~ 20-7-302.1, MCA

10.41.102 COMPREHENSIVE STATE PLAN (1) There shall be a comprehensive state plan for career and vocational/technical education in Montana. The superintendent of public instruction shall be the governing agent to disburse federal and state career and vocational/technical education funds and to plan, coordinate, govern and provide leadership for the state K-12 vocational education system.

(2) The state plan shall be included in the policies adopted by the superintendent of public instruction shall prepare the Montana state plan for K-12 vocational education in consultation with the commissioner of higher education, the Montana vocational education planning council of practitioners

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~~and the Montana council on vocational education. The plan shall be prepared in accordance with policies and instructions of the superintendent of public instruction and with the department of education.~~

~~(3) The superintendent of public instruction shall certify that public hearings were held to permit people in the state a voice in its preparation.~~

~~(4) The approved state plan shall be the basis for operation and administration of K-12 vocational education.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. ~~20-16-102~~ 20-7-302.1, MCA

10.41.103 STATE DIRECTOR OF K-12 CAREER AND VOCATIONAL/TECHNICAL EDUCATION SERVICES (1) The state director of K-12 career and vocational/technical education services is the appointed state administrator for career and vocational/technical education.

(2) The state director of K-12 career and vocational/technical education shall be responsible for implementing all policies adopted by the superintendent of public instruction for the administration of career and vocational/technical education.

~~(2) The state director of vocational education services is the appointed state administrator for vocational education.~~

~~(3) School controversies arising from secondary vocational courses and programs shall be governed by ARM 10.6.101 through 10.6.130.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.104 EMPLOYMENT OF STATE STAFF (1) The state director of K-12 career and vocational/technical education services shall employ, with the confirmation of ~~have the authority to recommend employment of the necessary staff to assure~~ the superintendent of public instruction, professional staff consisting of individuals prepared in agriculture education, business and marketing education, family and consumer sciences education, and industrial technology education ~~that policies are adhered to and that state program specialists are available to serve the educational institutions of Montana which are offering vocational education programs.~~

~~(2) The state director of vocational education services shall implement a staff plan for a department of vocational education in the office of public instruction for the purposes of assuring the superintendent of public instruction that policies are adhered to and that knowledgeable program specialists are available.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.106 ACCOUNTABILITY (1) The state director of K-12



career and vocational/technical education services will determine that career and vocational/technical education activities within the state are being conducted according to federal and state rules and regulations.

(2) The state director of K-12 career and vocational/technical education services and staff will determine, through evaluation, auditing ~~or~~ and reporting procedures, that all approved programs in the state are being conducted according to state and federal laws, rules and regulations.

~~(3) The state director of vocational education services and staff shall seek the assistance of the Montana council on vocational education in reviewing state and federal laws, rules and regulations.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.109 CONDUCT OF VOCATIONAL EDUCATION IN LOCAL DISTRICTS EXECUTION OF LOCAL CAREER AND VOCATIONAL/TECHNICAL EDUCATION PROGRAMS (1) Vocational education programs in local school districts shall be under the guidance of a properly certified administrator, supervisor or vocational instructor who has the responsibility to insure that local programs are of high quality. Instructors shall be certified in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under ARM 10.44.103 [10.41.132], exceptions may be made by OPI for emerging career and vocational/technical programs where industry certification is required for a specific skill area such as CISCO academies, and where such certification is an industry standard.

(2) Approved career and vocational/technical education programs shall be in compliance with state requirements, directives and laws.

(3) If a local administrator, supervisor or instructor fails to fulfill his/her responsibility, program deficiencies are not corrected within the program year, career and vocational/technical education funding may be withdrawn withheld or denied by the superintendent of public instruction.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.41.111 ADMINISTRATION OF EMPLOYMENT AND TRAINING

(1) and (2) remain the same.

(3) It shall be the responsibility of the state director of K-12 career and vocational/technical education services to resolve conflicts of authority or interest and to insure that services are not needlessly duplicated.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.115 APPROVAL OF PROGRAMS (1) Secondary career and

vocational/technical education programs must have approval of the superintendent of public instruction prior to receipt of funds.

(2) The state director of K-12 career and vocational/technical education services shall recommend to the superintendent of public instruction which programs should be approved, based on established criteria and consistent with state and federal law.

~~(3) Programs shall have a vocational objective. Program subject matter must consist of the knowledge and skills required for the student's successful performance in the vocation. Program titles must may refer to vocational objectives and relate to classification of instructional program codes (CIP).~~

~~(4) All significant curriculum changes must be approved by the state director of vocational education services. Change requests are accomplished by submitting both the current and revised curricula, with a cover letter indicating the reason(s) for the change and the date that the change is to be effective. A syllabus for each approved vocational course in a program which the institution is offering must be on file.~~

~~(5) All programs having a licensure agency must meet requirements of that agency and must prepare the student to be licensed or certified by the statutory licensing board or agency of Montana, the federal government, or by any organization with widely accepted certification authority when state licensure is not required.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1 MCA

10.41.118 LOCAL ADVISORY COUNCILS COMMITTEE (1) ~~A local advisory council is to assist school administrators in determining programs to be offered, program evaluation, establishing priorities for building programs for vocational education facilities, and to review factors affecting all vocational programs. Local advisory councils shall have representation of both genders, racial and ethnic minorities found in the region the council serves. Student representation is recommended.~~

~~(2) Local advisory councils may be used in lieu of program advisory committees where:~~

~~(a) LEA's have three or fewer program offerings and where representation on the council is composed of representative members from the areas of vocational instruction consistent with subsection (1). committee is a group of persons who advise and assist decision makers on the design and maintenance of relevant career and vocational/technical education programs based on the assessed needs of the community, region, state, or nation. The advisory committee's primary function is to provide industry-specific information and assistance to the career and vocational/technical education program.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.120 STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION DATA COLLECTION ~~INFORMATION SYSTEM~~ (1) Institutions/schools offering career and vocational/technical education programs ~~and/or courses~~ shall ~~provide information to report on a timely basis to enable the state director of K-12 career and vocational/technical education services for a state educational information system to prepare required state and federal reports.~~

(2) Reporting forms developed by the state director of K-12 career and vocational/technical education services and approved by the superintendent of public instruction shall be furnished to the local institution.

~~(3) Institutions/schools shall report on a timely basis to enable the state director of vocational education services to prepare required state and federal reports.~~

~~(4)~~ Failure of institutions/schools to submit required information may result in loss of funding.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, MCA

10.41.124 ADEQUATE FUNDING (1) The superintendent of public instruction and the state director of K-12 career and vocational/technical education services shall work toward assuring adequate funding of Montana's career and vocational/technical education programs from all levels of government (federal, state and local).

(2) The state director of K-12 career and vocational/technical education ~~service~~ shall be prepared to conduct cost studies to determine funding requirements for career and vocational/technical programs.

(3) The state director of K-12 career and vocational/technical education ~~services~~ shall be prepared to provide to the superintendent of public instruction, governor and state legislature a complete analysis of career and vocational/technical education program budgets as requested.

(4) The state director of K-12 career and vocational/technical education ~~services~~ shall disseminate the program funding approval requirements to the educational institutions of Montana.

~~(5) Distribution of federal funds shall be in accordance with the state plan.~~

AUTH: Sec. 20-3-106, 20-7-301, MCA

IMP: Sec. 20-7-302.1, 39-6-103, MCA

10.41.125 RESPONSIBILITY FOR DISBURSEMENT OF STATE AND FEDERAL FUNDS (1) The superintendent of public instruction shall be responsible for the disbursement of state and federal funds for ~~elementary and secondary~~ K-12 career and vocational/technical education.

(2) Federal career and vocational/technical education

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funds shall be allocated to LEA's (local educational agencies) and OER's (other eligible recipients). The method used for allocation of funds shall be developed in accordance with state and federal laws.

~~(3) The superintendent of public instruction shall approve or disapprove all elementary and secondary school grant applications in accordance with procedures established in the state plan for vocational education.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.126 CRITERIA FOR ALLOCATION OF FUNDS (1) Each agency requesting funds for a career and vocational/technical education program must submit an annual application. Approved programs shall be the only programs eligible for funding. "Standards and Guidelines for Secondary Career and Vocational/Technical Education in Montana" contains approval criteria for programs. ~~In determining the allocation of vocational education funds to local educational agencies, the superintendent of public instruction shall consider such factors as: identified needs of vocational education for the population within the local district, region, state and the nation as measured by needs assessments; the compatibility of program offerings with the state's long range vocational education objectives; the additional cost of program offerings; local and state ability to support the program and any need for program duplication.~~

~~(2) In determining the basis for allocation of funds, the superintendent of public instruction shall consider state plan funding formula and other appropriate factors.~~

~~(3) Funding for vocational programs shall follow the state fiscal year.~~

~~(4) Each agency requesting funds for a vocational program must submit an annual application. Approved programs shall be the only programs eligible for funding.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

10.41.130 CONDUCT OF EVALUATION (1) ~~There shall be provisions for periodic and continuous evaluation at both state and local levels.~~

~~(2) Program evaluation shall be conducted periodically and may consist of self-evaluations, reviews of ongoing programs, on-site committee evaluations, and similar evaluation activities.~~

~~(3) Each fiscal year, secondary programs shall be evaluated by the state director of vocational education services and staff; every program must be evaluated once in a five year period.~~

~~(4) State staff members may visit institutions in order to obtain appropriate information. Institutions/schools shall provide data required, arrange for written materials to be made~~

available, and otherwise expedite the work of the person(s) making the visit.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-301, 20-7-302.1, MCA

4. The rules proposed to be amended and transferred provide as follows, stricken matter interlined, new matter underlined:

10.44.103 [10.41.132] ELIGIBILITY REQUIREMENTS FOR STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION FUNDING COSTS

(1) Each program must meet the K-12 "Standards and Guidelines for Secondary Career and Vocational/Technical Education in Montana" ~~vocational education standards~~ for an approved secondary career and vocational/technical education ~~or industrial arts and technology education~~ program to be eligible for state ~~vocational education~~ funding. Requirements common to all programs are:

(a) The program shall have the primary objective of developing skills leading to employment as well as entry into advanced career and vocational/technical training;

(b) Specific objectives shall be defined in terms of skills to be developed and related to a specific career by CIP code;

(c) Career and technical education student enrollment reports are required for funding;

(d) The program shall be determined by the career and vocational/technical education needs of students based on a needs assessment. Program information shall be projected for more than a one-year period;

(e) Programs shall be developed and conducted in consultation with an advisory council/committee;

(f) Instruction shall be based on an analysis of skills and knowledge required in the career cluster;

(g) The program shall develop personal, career and leadership skills that promote the transition from school to careers. Career and technical student organizations (CTSO's) that foster these skills are: FFA, FCCLA, DECA, BPA, SkillsUSA-VICA, and TSA;

(h) Provision shall be made for career and vocational/technical guidance and shall include, but not be limited to, career information and counseling;

(i) Prerequisite courses may be required which provide students with information and experience to make sound career, education and/or training choices;

(j) Instructors shall be certified in accordance with the board of public education requirements and endorsed in the program area for which they are making application. As certification relates to program approval under this rule, exceptions may be made by OPI for emerging career and technical programs where industry certification is required for a specific skill area, such as CISCO academies, and where such certification is an industry standard;

(k) Instructional equipment and facilities shall be modern and reflective of industry standards and adequate for the maintenance of acceptable education, health and safety standards;

(l) Provisions shall be made for follow-up of secondary graduates;

(m) The maximum number of students per class shall be determined with consideration given to instructional environment, equipment, supervision, safety, space and resources, and individual student instruction;

(n) Programs should be planned to provide a seamless system of organized educational activities;

(o) Programs shall ensure equal access for all students;

(p) Each school shall conduct a yearly career and vocational/technical program self-evaluation and submit a copy to the office of public instruction. The school shall cooperate with the office of public instruction in program review and evaluation activities;

(q) Local education agencies shall use career and vocational/technical education funds to add to or enhance local funds to improve career and vocational/technical programs. Funds will not be approved when it has been determined that replacement of local funds will occur. A school must not decrease the amount spent in the career and vocational/technical program from one year to the next, figured either on an aggregate or per student basis, unless "unusual circumstances" exist, such as large expenditures in previous years for equipment;

(r) Accounting procedures must use standard school accounting codes. The money received by the high school district must be deposited into the subfund of the miscellaneous programs fund established by 20-9-507, MCA and may be expended only for approved secondary K-12 career and vocational/technical education programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213, MCA.

(2) A school district must have operated an approved secondary career and vocational/technical education ~~or industrial arts and technology education~~ program in the immediate preceding year to be eligible for state ~~vocational education~~ funding.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, 20-7-305, MCA

#### 10.44.104 [10.41.133] PROCEDURES FOR APPLYING TO RECEIVE STATE CAREER AND VOCATIONAL/TECHNICAL EDUCATION FUNDING

(1) School districts must ~~apply~~ make application to the superintendent of public instruction to receive state funding for the additional ~~vocational~~ program costs, using forms provided by the office of public instruction. ~~Each district must submit the following:~~

~~(a) A proposal for approval for each new vocational program categorized by classification of instructional~~

~~program code(CIP) for which the school district is requesting funding.~~

~~(b) A proposal for renewal of approval for each on-going or previously approved secondary vocational program categorized by classification of instructional program code (CIP).~~

~~(c) An addendum for each cooperative vocational education program utilizing the cooperative method of instruction attached to a proposal for approval or renewal of approval of vocational education program.~~

~~(d) A student enrollment report submitted for each approved vocational program which will be used in the funding formula.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.44.106 [10.41.134] ACCOUNTING AND REPORTING (1) Each school district receiving state career and vocational/technical education funds for secondary vocational education and industrial arts and technology programs must deposit those funds into the miscellaneous program fund as established by 20-9-507, MCA and may be expended only for approved secondary career and vocational/technical education programs. The expenditure of the funds must be reported on the annual trustees' report as required by 20-9-203, MCA. and record the expenditures in miscellaneous fund 15 as vocational program expenditures pursuant to the vocational program expenditure section of the Montana Finance Manual.

~~(a) If at year end, school district expenditures for additional cost items of vocational programs in miscellaneous fund 15 are less than the amount of the state vocational program funding received in that year, as indicated by the annual trustees financial summary, the amount of the difference will be considered as the end-of-year vocational program fund balance. In the first year of a biennium the balance must be used to reduce the state vocational program payment due to the district in the ensuing year. In the second year of the biennium, or if a state vocational program payment is not due to that district in the ensuing year, the end-of-year vocational program fund balance must be refunded to the office of public instruction by July 15 of the ensuing fiscal year.~~

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-302.1, 20-7-303, MCA

10.44.211 [10.41.135] STANDARDS AND GUIDELINES FOR SECONDARY CAREER AND VOCATIONAL/TECHNICAL EDUCATION IN MONTANA

(1) The superintendent of public instruction hereby adopts and incorporates by reference "Standards and Guidelines for Secondary Career and Vocational/Technical Education," 2002 edition. which sets forth standards for K-12 vocational education courses and programs. A copy of the standards this document may be obtained from the State Director of K-12 Career and Vocational/Technical Education Services, Office of Public

Instruction, ~~Room 106, State Capitol~~ P.O. Box 202501, Helena,  
Montana 59620-2501.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-302.1, 20-7-303, MCA

5. The rules proposed for repeal follow.

10.41.105 DUTIES OF STATE STAFF found at page 10-457,  
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-302.1, MCA

10.41.107 MONTANA COUNCIL ON VOCATIONAL EDUCATION found  
at page 10-458, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-302.1, MCA

10.41.108 PUBLIC INFORMATION found at page 10-458,  
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-302.1, MCA

10.41.116 DETERMINATION OF PROGRAMS TO BE OFFERED found  
at page 10-460, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-301, MCA

10.41.117 VOCATIONAL PROGRAM DESIGN found at page 10-  
461, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-301, MCA

10.41.119 PROGRAM ADVISORY COMMITTEES found at page 10-  
461, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-16-104, MCA

10.41.127 APPROVED ELEMENTS OF COSTS found at page 10-  
464, Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA  
IMP: Sec. 20-7-301, MCA

10.41.129 PROGRAM EVALUATION found at page 10-464,  
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA



IMP: Sec. 20-7-301 MCA

10.44.102 DEFINITION OF TERMS found at page 10-487,  
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-303, MCA

10.44.105 FUNDING FORMULA found at page 10-489,  
Administrative Rules of Montana.

AUTH: Sec. 20-7-301, MCA

IMP: Sec. 20-7-303, MCA

6. Statement of Reasonable Necessity: The Office of Public Instruction (OPI) proposes these amendments and repeals to comply with legislative changes enacted in House Bill 134 (2001). (House Bill 134 is effective July 1, 2001.) These amendments will bring OPI's administrative rules into compliance with statutory law. Several of the proposed amendments are "housekeeping" in nature. For example, the language in House Bill 134 changed the term "vocational education" to "career and vocational/technical education."

Among other things, House Bill 134 updated the secondary career and vocational/technical education funding formula to reflect fiscal data that are available to the OPI and eliminated parts of the old formula that called for fiscal data no longer collected by the OPI. The new statutory formula is also more equitable across all Career and Vocational/Technical Education programs.

Title 10, Chapter 44 is being amended and transferred into Chapter 41. The amendments will eliminate the separation of content between Chapters 41 and 44 and will condense language regarding K-12 Career and Vocational/Technical Education. Rather than having to find rules in two chapters, practitioners may now rely on one chapter of the Administrative Rules.

Much of the language in these rules that is being replaced or repealed is outdated and redundant. For instance, there is reference to the Montana Council for Vocational Education, which no longer exists.

In some cases, new language has been added to accommodate emerging Career and Vocational/Technical Education programs where industry certification is required for a specific skill area such as CISCO Academies and where certification is an industry standard.

7. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, or by e-mail to [opirules@state.mt.us](mailto:opirules@state.mt.us) and must be received no later than 5:00 p.m. on October 18, 2001.

8. Jeffrey A. Weldon has been designated to preside over and conduct the hearing.

9. The Office of Public Instruction maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding career and vocational/technical education or other school related rulemaking actions. Such written request may be mailed or delivered to Legal Department, Office of Public Instruction, P.O. Box 202501, Helena, Montana 59620-2501, faxed to the office at (406) 444-2893, or may be made by completing a request form at any rules hearing held by the Office of Public Instruction.

10. The bill sponsor requirements of 2-4-302, MCA, apply and have been fulfilled. The requirements of 20-1-501, MCA, have been fulfilled. Copies of this proposed rule notice have been sent to all tribal governments in Montana.

/s/ Linda McCulloch  
Linda McCulloch  
Superintendent  
Office of Public Instruction

/s/ Jeffrey A. Weldon  
Jeffrey A. Weldon  
Rule Reviewer  
Office of Public Instruction

Certified to the Secretary of State September 10, 2001.